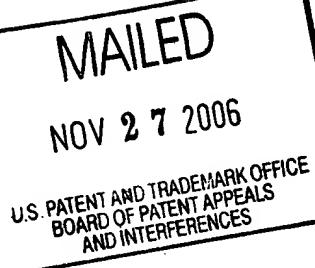


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte GARY L. SWOBODA and ROBERT A. MCGOWAN

Application 09/943,599

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 3, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Upon review of the Examiner's Answer filed on May 3, 2006, there is no indication that an appeal conference has been conducted, since Examiner Akash Saxena did not sign the Examiner's Answer.

See, § 1207.01 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 3, August 2005) it states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. [Emphasis added.]

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner for taking corrective action regarding the appeal conference, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: G. Edgar for Dale Shaw  
DALE M. SHAW  
Deputy Chief Appeals Administrator  
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GJH

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